

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

2008 NOV 20 A 10-23

DISTRICT OF UTAH

BY: _____

DALE STEVENS,

Plaintiff,

ORDER ADOPTING REPORT AND
RECOMMENDATION

vs.

CLARK A. McCLELLAN,

Defendant.

Case No. 2:06-CV-00215-TC-PMW

This matter is before the court on Clark A. McClellan's (Defendant) motion to dismiss or, in the alternative, for summary judgment. The matter was referred to United States Magistrate Judge Paul M. Warner. On October 16, 2008, Judge Warner issued a Report and Recommendation (R&R) in which Judge Warner recommended (1) Defendant's motion to dismiss be considered MOOT, and (2) Defendant's motion for summary judgment on the counterclaim be GRANTED for multiple reasons. Plaintiff has not filed an objection to the R&R.

The court has conducted a de novo review of the issues and finds that Judge Warner's conclusion was correct. Accordingly, the Report and Recommendation is adopted as the order of the court.

SO ORDERED this 19th day of November, 2008.

BY THE COURT:

A handwritten signature in black ink, reading "Tena Campbell". The signature is written in a cursive, flowing style with a large initial 'T'.

TENA CAMPBELL
United States District Judge